

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	CASE NO. 19-30728--7
	§	
CHARLES RANDALL TUCKER,	§	
Debtor	§	CHAPTER 7
	§	
LAKEVIEW LOAN SERVICING,	§	
LLC,	§	
Movant	§	HEARING DATE: 04/08/2019
	§	
v.	§	TIME: 01:30 PM
	§	
CHARLES RANDALL TUCKER;	§	
and RANDY W. WILLIAMS,	§	
Trustee	§	
Respondents	§	JUDGE EDUARDO V. RODRIGUEZ

MOTION FOR RELIEF FROM THE STAY REGARDING NON-EXEMPT PROPERTY

THIS IS A MOTION FOR RELIEF FROM THE AUTOMATIC STAY. IF YOU OBJECT TO THE GRANTING OF RELIEF FROM THE AUTOMATIC STAY, YOU SHOULD CONTACT THE MOVANT IMMEDIATELY TO TRY TO REACH AN AGREEMENT. IF YOU CANNOT REACH AN AGREEMENT, YOU MUST FILE A WRITTEN RESPONSE AND SEND A COPY TO MOVANT NOT LATER THAN APRIL 01, 2019 AND YOU MUST ATTEND THE HEARING.

THE COPY SENT TO THE MOVANT MUST BE DELIVERED BY HAND OR ELECTRONIC DELIVERY IF IT IS SENT LESS THAN 7 DAYS PRIOR TO THE HEARING. UNLESS THE PARTIES AGREE OTHERWISE, THE HEARING MAY BE AN EVIDENTIARY HEARING AND THE COURT MAY GRANT OR DENY RELIEF FROM THE STAY BASED ON THE EVIDENCE PRESENTED AT THIS HEARING. IF A TIMELY OBJECTION IS FILED, THE COURT WILL CONDUCT A HEARING ON THIS MOTION ON APRIL 08, 2019 AT 1:30 PM IN COURTROOM #401, 515 RUSK AVENUE, HOUSTON, TX 77002.

1. This Motion requests an order from the Bankruptcy Court authorizing the person filing this motion to foreclose on or to repossess the property that is identified in paragraph 3.
2. Movant: LAKEVIEW LOAN SERVICING, LLC
3. Movant, directly or as agent for the holder, holds a security interest in certain real property of the Debtor(s) having an address of

4812 LORCA LANE
LEAGUE CITY, TX 77573

and a legal description of:

LOT SEVENTEEN (17), IN BLOCK ONE (1), OF FINAL PLAT MAR BELLA, SECTION 16-A, A SUBDIVISION IN GALVESTON COUNTY, TEXAS, ACCORDING TO THE

MAP OR PLAT THEREOF RECORDED IN PLAT RECORD 2014A, MAP NUMBERS 122 AND 123 OF THE MAP RECORDS OF GALVESTON COUNTY, TEXAS.

4. Movant has reviewed the schedules filed in this case. The property described in paragraph 3 is not listed on debtor(s)' Schedule C.
5. Type of collateral (e.g. Home, Manufactured Home, Car, Truck, Motorcycle): Real Estate property Home.
6. Debtor's scheduled value of property: \$276,980.00.
7. Movant's estimated value of property: \$276,980.00.
8. As of February 21, 2019 the total amount owed to movant: \$254,888.32.
9. Estimated equity (paragraph 7 minus paragraph 8): \$22,091.68.
10. As of February 21, 2019 the total pre-petition arrearages: \$9,885.68.
11. Total post-petition arrearages: \$2,326.92, representing the March 1, 2019 mortgage payment.
12. Amount of unpaid, past due property taxes, if applicable: N/A.
13. Expiration date on insurance policy, if applicable: N/A.
14. X Movant seeks relief based on the debtor(s)' failure to make payments and Lack of a realizable equity. The Debtor(s)' payment history is attached as exhibit "A". Movant represents that the attached payment history is a current payment history reflecting all payments, advances, charges and credits from the beginning of the loan. Movant further represents that the payment history is self explanatory or can be interpreted by application of coding information that is also attached. Movant acknowledges that the Court may prohibit the use of parol evidence to interpret a payment history that does not satisfy these representations.
15. Movant seeks relief based on the debtor(s)' failure to provide a certificate of insurance reflecting insurance coverage as required by the debtor's pre-petition contracts.
16. Name of Co-Debtor: Not Applicable
17. Based on the foregoing, movant seeks termination of the automatic stay to allow movant to foreclose or repossess the debtor(s)' property and seeks to recover its costs and attorneys' fees in an amount not to exceed the amount listed in paragraph 9.
18. Movant certifies that prior to filing this motion an attempt was made to confer with the Debtor(s)' counsel (or with Debtor(s), if *pro se*) either by telephone, by email or by facsimile, by the following person on the following date and time:

Mitchell Buchman sent an email to the chapter 7 trustee and the debtor's attorney. The chapter 7 trustee responded that he is opposed to the motion.

March 01, 2019 at 10:42 a.m.

An agreement could not be reached. If requested by debtor and debtor's counsel, a payment history in the form attached to this motion was provided at least two days, excluding intermediate weekends and holidays, before this motion was filed.

Date: 03/08/2019

/s/ MITCHELL BUCHMAN

MITCHELL BUCHMAN
TX NO. 03290750
S.D. TX NO. 6328
1900 ST. JAMES PLACE SUITE 500
HOUSTON, TX 77056
Telephone: (713) 621-8673
Facsimile: (713) 621-8583
E-mail: SDECF@BDFGROUP.COM
ATTORNEY FOR MOVANT

Certificate of Service and Certificate of Compliance with BLR 4001

A copy of this motion was served on the persons shown on exhibit "1" at the addresses reflected on that exhibit on March 08, 2019 via electronic means as listed on the Court's ECF Noticing System or by prepaid United States first class mail. Movant certifies that movant has complied with Bankruptcy Local Rule 4001.

/s/ MITCHELL BUCHMAN

MITCHELL BUCHMAN
TX NO. 03290750
S.D. TX NO. 6328
1900 ST. JAMES PLACE SUITE 500
HOUSTON, TX 77056
Telephone: (713) 621-8673
Facsimile: (713) 621-8583
E-mail: SDECF@BDFGROUP.COM
ATTORNEY FOR MOVANT

EXHIBIT 1

DEBTOR:

CHARLES RANDALL TUCKER
2614 BURKE ROAD
PASADENA, TX 77502

CHARLES RANDALL TUCKER
4812 LORCA LANE
LEAGUE CITY, TX 77573

TRUSTEE:

RANDY W. WILLIAMS
7924 BROADWAY
SUITE 104
PEARLAND, TX 77581

US TRUSTEE:

515 RUSK AVE
SUITE 3516
HOUSTON, TX 77002

DEBTOR'S ATTORNEY:

MARGARET MAXWELL MCCLURE
909 FANNIN STREET, STE 3810
HOUSTON, TX 77010

MORTGAGORS:

ANNALIZA L TUCKER
4812 LORCA LANE
LEAGUE CITY, TX 77573

PARTIES IN INTEREST:

MAR BELLA COMMUNITY, INC./LEAD ASSOCIATION MANAGEMENT
P.O. BOX 52954
PHOENIX, AZ 85072

PARTIES REQUESTING NOTICE:

None